

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BILLY GENE CUNNINGHAM,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.1:08CV417-SRW
)	(WO)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff brought the present action seeking judicial review of a decision by the Commissioner of Social Security denying him benefits under the Social Security Act. On June 14, 2010, this court reversed the decision and remanded the case for further proceedings pursuant to sentence four of § 405(g). Plaintiff's counsel has filed an application for an award of attorneys fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A). Plaintiff's application seeks fees in the total amount of \$2,877.95. The Commissioner does not contest the petition and requests that this court award fees and expenses in the amount sought by plaintiff's counsel. Upon an independent review of the record, the court concludes that the position of the Commissioner in this litigation was not substantially justified, and further that the amount of fees sought by plaintiff's counsel is reasonable.

For the foregoing reasons, it is

ORDERED that the plaintiff's petition for attorney fees (Doc. # 22) is GRANTED.

Plaintiff is awarded EAJA fees in the total amount of \$2,877.95, payable to plaintiff's counsel, Georgia Ludlum, subject to any offset which may be applicable under 31 U.S.C. § 3716.¹

DONE, this 22nd day of February, 2011.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE

¹ See Plaintiff's assignment of EAJA fees, attached to Doc. # 22.